IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 123 of 2007()

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CRIME NO.176/06 OF AMBALATHARA POLICE STATION.

: PETITIONER/ACCUSED NO.2

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RATHNAKARAN, S/O.MUTHUMANIYANI,
CLEENIPPARA, THAYANNUR VILLAGE.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT

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THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**BAIL APPLICATION NO.123 OF 2007**

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**DATED THIS THE 11th DAY OF JANUARY, 2007**

**O R D E R**

Petitioner who is the second accused in Crime No.176/06 of Ambalathara Police Station for offences punishable under sections 55 (a) and 55(g) of the Abkari Act for allegedly having been found in joint possession of 1.75 litres of arrack, 25 litres of wash, 20 Kgs of jaggary and 3.5 Kgs of Ammonium Chloride all meant for illicit distillation on 24.12.2006, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) are present in this case so as to justify the grant of anticipatory bail to the petitioner on bail. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn